REMARKS

Applicants and the undersigned thank Examiner Salce for the courtesies extended to the undersigned during the interview. The remarks below, in conjunction with the Interview Summary, reflect what was discussed at the interview.

Claims 10-15, 27-34, 44-49, 62 and 64-90 are pending. Previously presented independent claims 10, 27, 44, 62, 71 and 79 have been amended. Dependent claims 12, 28, 46, 64, 72, and 81 have also been amended. No new matter has been added.

Applicants have amended independent claim 10 to include the features of "verifying an identification of said current user based upon results of the biometric identification" and "communicating said verified identification of said current user to said set-top box." Claims 27 and 71 have been similarly amended. Applicants have amended independent claim 44 to include the features of "an identification input device within said personalized remote control that verifies said identity of said current user based on biometric identification" and "a communication link between said personalized remote control and said set-top box that transmits said verified identity of said current user." Claims 62 and 79 and been similarly amended. Applicants submit that none of the references cited by the Examiner, taken alone or in combination, disclose these features.

Independent claims 10, 27, 44, 62, 71 and 79 were rejected under 35 USC §103(a) as being unpatentable over Nickum (U.S. Patent No. 6,359,661) in view of Perlman (U.S. Patent No. 6,125,259) in further view of Rosser (U.S. Patent No. 6,446,261). This rejection is respectfully traversed.

Applicants submit that none of the cited references, taken alone or in combination, disclose verifying an identification of a user and communicating the verified identification to a set-top box. Nickum only describes identifying a user at a remote control and then allowing or disallowing certain actions at the remote control based on the identification. Once the remote control of Nickum has determined if certain key press for accessing content is allowed, it will communicate that key

press to the set-top box. <u>The remote control of Nickum does not transmit a verified identification of the user to the set-top box.</u> Specifically, according to Nickum, a user profile stored in a remote control defines the channels that may be accessed. The remote control device may have one or more user profiles, any one of which is activated by the user inputting a unique user ID. Verification circuitry in the remote control activates the user profile corresponding to the input user ID if the ID matches the user ID stored in association with the user profile. (Col. 2, lines 35-40.) It is this user profile data that controls access restrictions. (Col. 7, lines 15-18.)

Fig. 4 of Nickum shows the input verification process in the remote. If an ID function key is detected at step 412, it is compared to the 'Master Control' ID at step 414. If no match is found, the ID is then compared to data stored in EEPROM at step 420. None of these steps, nor the final step (Transmit Signal to Receiver (480)), teaches that the verified identification of the user is transmitted from the remote control. <u>Nickum only teaches that program selections are transmitted from the remote control.</u> Nickum discloses that "[i]f the user selection is not one of those blocked according to program control data in EEPROM 250 then the user selection is sent at block 470 to the standard remote control circuitry 280. From there the signal is transmitted at block 480 to the receiver controlling the television receiver." (Col. 8, lines 1-6). Thus, the teachings of Nickum do not show "communicating said verified identification of said current user to said set-top box." According to Nickum, there is no need to transmit the user ID to the set-top box because the user profile is applied in the remote control.

In the final Action at page 3, the Examiner noted that Nickum states that "the process represented by FIG. 4 can be executed by circuitry incorporated in the remote control devices, the television receiver, or an attached device such as a cable control box. (Column 5, Lines 28-33)." Applicants submit that it is irrelevant where the functions shown in Fig. 4 are performed. If the steps shown are performed in a remote control, then, as discussed above, the user ID is established in the remote control and a verified identification is never transmitted from the remote. If the

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disclosed steps were to be performed in a receiver, then key presses would be transmitted from the remote and identification and verification of the user would be performed at the receiver. In either case, the verified identification of a current user is not communicated to a set-top box.

In the final Action at page 3, the Examiner also stated that "Nickum also discloses communicating the identification of the current user to the set-top box (Column 5, Lines 11-13)." Applicants note, however, that the cited portion of Nickum merely states that "[w]hen a user presses the id function key 320, user verification firmware and/or circuitry is activated which, in one embodiment, waits for the user to key in a user id." Applicants assert that there is no teaching in Nickum here, or anywhere else, of communicating a verified identification of a current user to a set-top box.

Applicants further submit that Rosser also fails to disclose that an identification of a user is communicated from a remote control to a set-top box. Rosser only discloses that the "viewer usage profile store 170 may be totally, or in part, located inside the viewer's remote control 71, or other related device that the viewer uses to access and control the content reaching the end user display or television set." (Col. 15, 10-14.)

Claim 10 further recites "recognizing said current user with an interface in said personal remote control unit using biometric identification." The Examiner stated that "Nickum and Perlman both fail to disclose using biometric identification to identify the remote control user. Rosser discloses...that a user can be identified by various biometric identification means (see Column 15, Lines 22-28)." Applicants assert that Rosser does not teach that an interface in a remote control uses biometric identification. Rosser merely teaches that "an individual device or software module may construct and store viewer usage profiles 120 for a number of different individuals, who may be identified by name, password, number, or other suitable identification means, including but not limited to biometric means such as signature, fingerprint, or retina pattern." (Col. 15, lines 23-28.) Rosser fails to suggest that the biometric interface is in a remote control. In fact, Rosser fails to

even suggest that the biometric interface is in any way associated with a remote control. Thus, the teachings of Rosser do not show the feature of "recognizing said current user with an interface in said personal remote control unit using biometric identification" as described in claim 10.

Applicants respectfully submit that claims 27, 44, 62, 71 and 79 are also patentable for at least the reasons given above with reference to claim 10. With respect to the dependent claims, applicants respectfully submit that they have shown the patentability of at least independent claims 10, 27, 44, 62, 71 and 79 and, accordingly, all dependent claims are themselves patentable insofar as they depend from patentably distinct independent claims.

Dependent claims 33-34, 69-70, 77-78 and 86-89 were rejected under 35 USC §103(a) as being unpatentable over Nickum in view of Perlman in further view of Rosser and in further view of Agraharam (U.S. Patent No, 6,377,995). Claims 32, 68, 76 and 85 were rejected under 35 USC §103(a) as being unpatentable over Nickum in view of Perlman in further view of Rosser and in further view of Sumita (U.S. Patent No. 6,581,207). These rejections are traversed at least for the reasons given above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 577172000400.

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Respectfully submitted,
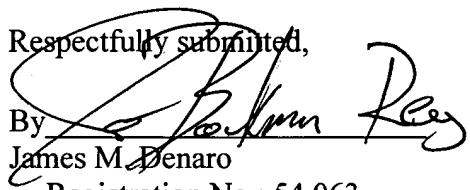
By
James M. Denaro
Registration No.: 54,063
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
(703) 760-7739